

H.R. 2, The Student Results Act of 1999

(Updated October 25, 1999)

SUMMARY

H.R. 2, the Student Results Act of 1999 authorizes Title I of the Elementary and Secondary Education Act and other programs assisting low achieving students. Programs authorized in the bill are: Title I, Part A (education of the disadvantaged), Migrant Education, Neglected and Delinquent, Bilingual Education, Magnet Schools Assistance, Native Americans, Hawaiians, and Alaskan programs, Gifted and Talented, Rural Education, and the Stewart B. McKinney Homeless Assistance program. The legislation passed the House on October 21, 1999 by a vote of 358-67.

Title I, Part A (educationally disadvantaged)

Title I, Part A is the largest program of ESEA and is funded at \$7.7 billion for FY 1999. The program authorizes federal aid to state and local educational agencies for helping educationally disadvantaged children achieve to the same high state performance standards as all other students.

- **Structure**. Continues the current standards-based approach with Title I students being held accountable for meeting the same challenging state standards as all other students.
- **Academic Accountability**. Modifies existing accountability provisions to ensure that each of the separate subgroups of students (economically disadvantaged, limited English proficient, minority, students with disabilities, etc.) as well as students as a whole show increased academic achievement gains at the state, school district and school levels. Also expands minimum standards and assessments to include science by the 2005-06 school year.
- **Public School Choice for Students in Low Performing Schools**. If a school that receives Title I funding is designated for "school improvement" (meaning that the school is low performing), then parents of children who attend the school would have the option of transferring to another public school or public charter school that is not in "school improvement." Title I funding could be used, if local officials so decide, for transportation to another public school or public charter school.
- **Rewards**. Up to 30 percent of any increase in Title I funding may be set aside by states to provide rewards to schools (and teachers in such schools) that substantially close the achievement gap between the lowest and highest performing students and that have made outstanding yearly progress for two consecutive years.
- **Annual State Reports**. The academic performance of all schools receiving Title I funding would be included in annual state reports produced by the states for parents and the public. If states are already producing annual state reports, then the Title I data could be included in such reports or disseminated through alternative means such as posting on the Internet, distribution to media or through other public agencies. The report will include information on each school receiving Title I funds. The information would be for those Title I schools in the aggregate in school districts and individually on the following things: student performance according to subgroups on state assessments; comparison of students at below basic, basic, proficient, and

advanced levels of performance on state assessments; graduation rates; retention rates; completion of Advanced Placement courses; and qualifications of teachers and teachers' aides.

- **School District Reports.** School districts receiving Title I funding would prepare annual reports for parents and the public on the academic performance of each Title I school in the aggregate in the school district and individually. If school districts are already producing annual school district reports, then the Title I data could be included in such reports or provided through an alternative means such as posting on the Internet, distribution to media, or through other public agencies. The school district reports will include information on: the numbers and percentages of schools identified within the school district as in "school improvement" (low performing) under Title I; information that shows how Title I students performed on statewide assessments, according to subgroups; graduation rates; retention rates; completion of Advanced Placement courses; and information on teachers' and teachers' aides qualifications.
- **Testing of Students in English language.** Students who have attended school in the United States for at least three consecutive years would be tested in reading and language arts in the English language.
- **Parental Consent for Bilingual Education.** School officials would be required to seek the informed consent of parents prior to placement of their children in an English language instruction program for limited English proficient children funded under Title I.
- **Paraprofessionals (teachers' aides).** Under current law, teachers' aides funded under Title I must, at a minimum, obtain a high school diploma or GED within two years of employment as an aide. The bill would require, not later than 3 years after enactment, all teachers' aides to have: (1) completed at least 2 years of study at an institution of higher education; (2) obtained an associate's or higher degree; or (3) met a rigorous standard of quality established at the local level, which includes an assessment of math, reading and writing. Also, would freeze the number of paraprofessionals at their current levels, with limited exceptions.
- **Priority for elementary school grades.** Requires school districts to continue to rank and serve schools in school districts according to poverty (from highest to lowest) but school districts would be permitted to give priority to elementary schools.
- **Schoolwide poverty threshold.** The 50% poverty requirement for eligibility to have a schoolwide program (where services are made available to the entire school and where the school may combine various federal funds with state and local funds to serve the entire school) is lowered from 50% to 40% poverty. This will permit more flexibility at the local level in implementing schoolwide programs.
- **Schoolwide programs are relieved of separate fiscal accounting provisions.** The bill makes clear that schoolwide programs are not required to maintain separate fiscal accounting records when they combine federal education funds with state and local funds.

- **Formulas.** No changes in the formulas. However, a hold harmless would be applied to the basic and concentration grants. The education finance incentive grant, which has never been funded, is repealed.
- **Consultation with private schools strengthened.** The provisions requiring school districts to have timely and meaningful consultations with private school officials in determining the scope of Title I services to be provided to private school children are significantly strengthened.
- **Bypass for private schools.** In determining whether to grant a bypass of the local educational agency, the Secretary may consider one or more factors, including the quality, size, scope and location of the Title I program and the opportunity of eligible children to participate.
- **1% set-aside for state administration.** The current 1% set-aside for state administration would continue to apply to appropriations that at least equal the FY 1999 level (\$7.7 billion). The set aside would not apply to any increases above that level. A separate line item authorization would be included for additional administrative expenses, and subject to appropriations.
- **½ % for school improvement activities.** One half of one percent of a state's total Title I allocation may be set-aside for school improvement activities. Title I funds at the school district level may also be used for school improvement activities by the school district.
- **Comprehensive School Reform Grants.** Comprehensive school reform grants, currently provided through the appropriations process would be authorized through a statutory grant program as a part of Title I. Schools, through their school districts, would compete to receive such grants from the state. Such grants involve reform of the whole school and must employ innovative strategies and proven methods for student learning, teaching and school management that are based on scientifically based research.
- **Secular, Neutral, Non-ideological Title I services.** During Committee consideration, an amendment was adopted which requires public schools to ensure that Title I services are secular, neutral and non-ideological. This is the same standard that applies to private schools.
- **Gender Equity.** Schoolwide programs may include strategies that incorporate gender equitable methods and practices. Professional development under Title I is to include strategies for eliminating gender and racial bias in instructional materials, methods, and practices, and may include instruction in the ways that teachers, principals and guidance counselors can encourage and maintain the interest of females and minorities in math, science, engineering, and technology.

Education of Migrant Students

The federal migrant education program assists migrant children to help them overcome the problems associated with multiple moves, which hinders them from performing well in school.

- **State Allocations.** Revises the formula to implement an actual student count (they are currently funded based on full time equivalents (FTEs)). A holdharmless is included for the 2000 school year. Only new funds will go out based on the new formula.
- **Needs Assessment/Authorized Activities.** Eliminates the comprehensive plan section and is replaced by a streamlined section on authorized activities that provides state educational agencies (SEAs) with the flexibility to determine the activities to be provided with funds under this Part.
- **Coordination.** Requires the Administration to assist states in developing effective methods for the transfer of student records within and among states. It further requires that the Administration, working with the states, develop a common set of data elements that must be included in student records when funds under this Part are used for such purposes.

Prevention and Intervention Programs for Children and Youth Who are Neglected and Delinquent

This program provides formula grants to states for neglected and delinquent children being educated in state agency programs for children and youth in institutions or community day programs for neglected or delinquent children and in adult correctional facilities.

- **Subpart 1 (State Program).** The bill increases from 10 to 15 percent the amount of funds states are to reserve to provide transition services for children returning from state-operated institutions to local educational agencies.
- **Subpart 2 (Local Program).** The bill restructures this section to insure the school component focuses on children returning from facilities for delinquent youth. The bill still permits such program to serve other at risk populations, but not to the detriment of delinquent youth in need of assistance.

English Language Proficiency and Academic Achievement Act (Formerly the Bilingual Education Act)

This provision would amend Title VII of the Elementary and Secondary Education Act to revise the current Bilingual Education Act and reauthorize the Emergency Immigrant Education Program. The current Bilingual Education Act awards grants, on a competitive basis, to eligible entities to provide educational services to limited English proficient children. Not less than seventy-five percent of funds are to be used for programs that use a child's native language in instruction. Key changes to the Bilingual Education Act follow:

- **Parental Rights:** Local educational agencies would be required to obtain informed parental consent prior to placing children in an instruction program that is not taught primarily in English. If written consent is not obtained, schools must document the date and manner in which they obtained parental consent. Parents would have the right to immediately remove their child from a program for limited English proficient children.
- **Transition to a Formula Grant:** Once appropriations reach \$220 million, this program would become a formula grant to the States.
- **Local Flexibility:** Eligible entities would be able to choose the method of instruction they would use to teach limited English proficient children in both the competitive and formula grant programs. The bill eliminates the current requirement that seventy-five percent of funding be used to support programs using a child's native language instruction.
- **Accountability:** Under the formula grant program, States would be required to monitor the progress of eligible entities and remove funding from programs where the majority of children were not moving into classrooms not tailored for limited English proficient children (classes taught in English) within three years. Eligible entities receiving grant awards would be required to complete an evaluation every year on the progress students are making learning English and achieving the same high levels of academic achievement as other students.
- **Dollars to the Classroom:** Ninety five percent of funds under the formula grant program are to be used to make grants to eligible entities to teach limited English proficient children.
- **Testing:** Reading and language arts assessments of children who have attended school in the United States for at least three consecutive years and who participate in a program funded under this Act, would be in the English language. Eligible entities receiving funds under the formula grant program would be required to assess the English proficiency of participating children each year.

Magnet Schools Assistance Program

The Magnet Schools Assistance Program supports magnet schools in local educational agencies that are implementing school desegregation plans. Magnet schools offer special vocational or academic programs designed to attract students from outside the school's traditional enrollment area. Grantees receive three-year awards, which cannot exceed \$4 million per year.

- **Emphasizes Student Achievement.** The bill emphasizes a commitment to student achievement by revising the Findings and Applications and Requirements sections and by including professional development as a use of funds.
- **Renews Focus on Magnet Schools.** The bill renews the program's focus on magnet schools by eliminating two outdated priorities and by repealing the Innovative Programs. (Any grant recipient that has an agreement in effect under the Innovative Programs will continue to receive funds through the end of the applicable grant cycle.)

Women's Educational Equity

The bill reauthorizes the Women's Educational Equity Act (WEEA). This program promotes gender equity in education and provides financial assistance to enable educational agencies and institutions to comply with title IX of the Education Amendments of 1972 (which prohibits sex discrimination in educational programs and activities that receive federal financial assistance). WEEA authorizes the Secretary of Education to award two types of grants: (1) to develop and implement gender equity programs; and (2) to provide "support and technical assistance" in areas such as teacher training and evaluation of exemplary programs, as well as for research and development.

Public School Choice Program

The bill authorizes a new \$20 million public school choice program which would provide competitive grants to state and local educational agencies to support programs that promote innovative approaches to public school choice. This was an amendment adopted in Committee.

Native Americans, Hawaiians, and Alaskan Education Programs

Indian Education Programs within the Department of Education

The purposes of the Department of Education Indian education programs are to provide financial support to reform and improve elementary and secondary school programs that serve Indian students; improve and enrich the quality of education for Indian students; research and evaluate information on the effectiveness of Indian education programs; and improve educational opportunities for adult Indians.

- **Maintains Funding.** Maintains currently funded programs, at current funding levels.
- **Repeals Unfunded Programs.** Repeals four unfunded competitive grant programs: Fellowships for Indian students, Gifted and Talented programs. Grants to Tribes for Administrative Planning and Development, and Special Programs Relating to Adult Education.
- **Includes Family Literacy.** Adds family literacy services as an allowable use of funds.
- **Provides Flexibility.** Adds a new flexibility provision to allow school districts receiving formula grants for Indian students to combine all federal funds they receive to serve Indian students into a single, more flexible and efficient program for improving Indian student achievement.
- **Directs more Money to the Classroom.** Limits the use of funds for administrative purposes to five percent.

Indian Education Programs within the Bureau of Indian Affairs (BIA)

Indian education programs within the BIA serve students in BIA funded schools. To be eligible, Indian students must have membership in a federally recognized Tribe or have a minimum of ¼ degree or more Indian blood and be in residence on or near a federal Indian reservation.

- **Coordination of Family Literacy Services.** Requires coordination of efforts between providers of family literacy services.
- **Accreditation.** Allows BIA funded schools to get state or regional accreditation, rather than meeting BIA federally imposed education standards.

- **Improve and expand educational programs.** Allows Tribes to improve and expand educational programs at BIA funded schools using their own resources.
- **School Choice.** Allows Indian parents the choice of which BIA funded school their children will attend.
- **Tribal Authority and Flexibility.** Gives Tribes a greater say in repair and maintenance priorities; allows Tribes to contract for training services; increases Tribal authority to pick service providers for purchasing supplies; and gives Tribes and local school boards more flexibility in making school staffing decisions. Requires BIA inspectors to get a second opinion from an independent source (with Tribal input) before fully closing a BIA funded school for health and safety violations.
- **Use of Maintenance Funds.** Requires BIA to spend all maintenance money at school sites, rather than diverting it to fund administrative activities.

Native Hawaiian Education Programs

During Committee consideration, an amendment was adopted to repeal the supplemental educational programs for Native Hawaiians under Title IX, Part B of the Elementary and Secondary Education Act.

Alaska Native Educational Programs

The purpose of these programs is to (1) recognize the unique educational needs of Alaska Natives; (2) develop supplemental educational programs to benefit Alaska Natives; and (3) provide direction and guidance to appropriate federal, state, and local agencies to focus resources on meeting the educational needs of Alaska Natives.

- **Consolidation.** Consolidates all three competitive grant programs into a single, more flexible and efficient program, funded at the current level.
- **Includes Family Literacy Services.** Adds family literacy services as an allowable use of funds.
- **Directs more Money to the Classroom.** Reduces the limit on use of funds for administrative purposes from 10 percent to five percent.

The Jacob K. Javits Gifted and Talented Students Education Act of 1999

The Jacob K. Javits Gifted and Talented program supports a national research effort and awards competitive grants to SEAs and LEAs, institutions of higher education, and other public and private agencies and organizations to help build a nationwide capability to meet the needs of gifted and talented students in elementary and secondary schools.

The Committee amendment to this part makes minor changes to current law and incorporates a version of H.R. 637, the Gifted and Talented Students Education Act, introduced by

Mr. Gallegly (R-CA), to provide formula grants to states to help them implement successful research findings and model projects funded by the Javits program over the past 10 years. This program was funded at \$6.5 million for FY 1999.

Subpart 1 – Discretionary Grant Program. Maintains the research focus found in current law with minor improvements. This subpart:

- Stipulates that all research done under this part is to be “scientifically based.”
- Ensures that nothing shall be construed to prohibit a recipient of funds from serving gifted and talented students simultaneously with other students in the same educational settings where appropriate. This language would apply to the entire bill.
- Eliminates previously unfunded subsections to better streamline the program (including all references to gender equity).

Subpart 2 – Formula Grant Program. Subpart 2 authorizes SEAs to distribute grants to LEAs, including charter schools, on a competitive basis to provide gifted and talented students with programs and services. Once the current program (subpart 1) reaches funding sufficient to provide formula grants to the states, subpart 2 activities are triggered and conducted in lieu of subpart 1. The trigger for subpart 2 activities is \$50 million. In subpart 2, states would have the flexibility to competitively distribute funds for gifted and talented programs according to local priorities.

Rural Education Assistance

The Committee amendment, a combination of H.R. 2725, “The Rural Education Initiative Act,” introduced by Rep. Bill Barrett (R-NE) and H.R. 2997, “The Low-Income and Rural School Program,” introduced by Rep. Van Hilleary (R-TN), addresses the unique problems associated with the education of students in rural school districts. Specifically, this amendment to replace part J of title X of the Elementary and Secondary Education Act, will address the different needs of (1) small, rural school districts and (2) low-income, rural school districts.

Subpart 1 – Small Rural School Program. An LEA would be eligible to use the applicable funding under this subpart if:

1. The total number of students in average daily attendance at all of the schools served by the LEA is less than 600; and
2. All of the schools served by the LEA are located in a community with a Rural-Urban Continuum Code (Beale Code) of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.

Flexibility with Formula Grant Programs – An eligible LEA would be able to combine funds from the following programs and use the money to support local or statewide education reform efforts:

- Title II – Eisenhower Professional Development Program;
- Title IV – Safe and Drug-Free Schools and Communities;

- Title VI – Innovative Education Program Strategies;
- Title VII (Part A) – Bilingual Education;
- Title VII (Part C) – Emergency Immigrant Education Program; and
- Title X (Part I) – 21st Century Community Learning Centers

Grants under this subpart would be awarded to eligible LEAs based on the number of students in average daily attendance less the amount they received from the aforementioned formula grant programs. Minimum grants for LEAs will not be less than \$20,000.

Subpart 2 – Low-Income Rural School Program. If an LEA did not qualify for funding under Subpart 1, it would be eligible to use the applicable funding under Subpart 2 if the LEA serves:

1. A school-age population, 20 percent or more of whom are from families with incomes below the poverty line; and
2. All of the schools served by the LEA are located in a community with a Rural-Urban Continuum Code (Beale Code) of 6, 7, 8, or 9, as determined by the Secretary of Agriculture.

Funds are allocated among states by formula based on student enrollment in eligible districts within those states. States, in turn, allocate funds to eligible districts by a competitive grant process or according to a state-determined formula based on the number of students each eligible LEA serves. Funds awarded to LEAs or made available to schools under this subpart can be used for: Educational Technology; Professional Development; Technical Assistance; Teacher Recruitment and Retention; Parental Involvement Activities; or Academic Enrichment Programs.

Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999

This program authorizes formula grants to states, based on state allocations for grants to LEAs under ESEA Title I, Part A. Grants must be used to establish an Office of Coordinator of Education of Homeless Children and Youth within each SEA, implement professional development activities for school personnel, and provide each child the opportunity to meet the same state student performance standards that others are expected to meet.

Improves the McKinney Act by amending it to incorporate a version of H.R. 2888, the Stewart B. McKinney Homeless Education Assistance Improvements Act of 1999, introduced by Ms. Biggert (R-IL) to help homeless children enroll, attend, and succeed in school. The Committee amendment strengthens and clarifies current law to address the educational needs of homeless children and youth including:

- **At-Risk Students.** Allows funds to be used to provide the same services to other children at risk of failing in, or dropping out, of school.
- **Data Collection.** Eliminates the requirement that the state coordinator estimate the number of homeless children in the state and the number of homeless children served by the program.

- **Report.** Directs the Secretary to develop and issue a report to be made available to states, LEAs, and other applicable agencies. This report will address successful ways in which states can help LEAs immediately enroll homeless children and encourages states to follow programs implemented in state law that have successfully addressed transportation barriers for homeless children and youth.
- **School of Origin.** Stipulates that a homeless student be kept – to the extent feasible – in their school of origin. Requires that LEAs provide a written explanation to a parent or guardian (including the right to appeal an enrollment decision) if such child is sent to a school other than their school of origin.
- **Segregation.** Prohibits a state receiving funds from segregating a homeless child, either in a separate school or in a separate program within a school, based on that student’s status as homeless. This provision contains a grandfather clause that ensures established schools do not lose funding.

Teacher Liability Protection

During Committee consideration, an amendment was adopted which provides limited civil litigation immunity for teachers, principals, local school board members, superintendents, and other educational professionals who engage in reasonable actions to maintain school discipline.